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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2012-214

LORENA MCKENZIE
495 Foch St
Eugene, OR 97402

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Registered Nurse License No. 690219

RESPONDENT

FINDINGS OF FACT

1. On or about October 7, 2011, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2012-214 against Lorena McKenzie (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about October 10, 2006, the Board of Registered Nursing (Board) issued Registered Nurse License No. 690219 to Respondent. The Registered Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on September 30, 2008 and has not been renewed.

3. On or about October 7, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2012-214, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136 and Title 16, California Code of Regulation, section 1409.1, is required to be reported and maintained with the Board, which was 39889 Little Fall Creek, Fallcreek, OR 97438 and is:

495 Foch St

Eugene, OR 97402.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On October 13, 2011, Respondent contacted the Attorney General's Office regarding
5 her accusation and wanted to surrender her license. Respondent was advised to send a Notice of
6 Defense or a written statement requesting a surrender of her license by March 19, 2012. She did
7 not send a Notice of Defense or any written statement requesting a surrender of her license by
8 March 19, 2012 therefore, Respondent is in default. Respondent changed her mailing address, on
9 March 14, 2012, with the Board.

10 6. Business and Professions Code section 2764 states:

11 The lapsing or suspension of a license by operation of law or by order or decision of
12 the board or a court of law, or the voluntary surrender of a license by a licensee shall not deprive
13 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
14 against such license, or to render a decision suspending or revoking such license.

15 7. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
17 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
18 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
19 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

20 8. Respondent failed to file a Notice of Defense within 15 days after service of
21 the Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation
22 No. 2012-214.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
25 agency may take action based upon the respondent's express admissions or upon other evidence
26 and affidavits may be used as evidence without any notice to respondent.

27 10. Pursuant to its authority under Government Code section 11520, the Board after
28 having reviewed the proof of service dated October 7, 2011, signed by Beth Scott, finds

1 Respondent is in default. The Board will take action without further hearing and, based on
2 Accusation No. 2012-214 and the documents contained in Default Decision Investigatory
3 Evidence Packet in this matter which includes:

4 Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation No. 2012-214,
5 Statement to Respondent, Notice of Defense (two blank copies), Request
6 for Discovery and Discovery Statutes (Government Code sections
7 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail
8 receipt or copy of returned mail envelopes;

9 Exhibit 2: License History Certification for Lorena McKenzie, Registered Nurse
10 License No. 690219;

11 Exhibit 3: Out of State Discipline (Oregon State Board of Nursing);

12 Exhibit 4: Declaration of costs by Office of the Attorney General for prosecution of
13 Case No. 2012-214.

14 The Board finds that the charges and allegations in Accusation No. 2012-214 are separately and
15 severally true and correct by clear and convincing evidence.

16 11. Taking official notice of Certification of Board Costs and the Declaration of Costs by
17 the Office of the Attorney General contained in the Default Decision Investigatory Evidence
18 Packet, pursuant to the Business and Professions Code section 125.3, it is hereby determined that
19 the reasonable costs for Investigation and Enforcement in connection with the Accusation are
20 \$1042.50.00 as of March 21, 2012.

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1. Based on the foregoing findings of fact, Respondent Lorena McKenzie has subjected

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)

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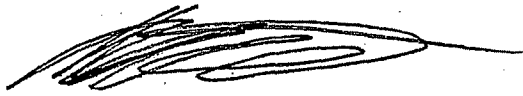
ORDER

IT IS SO ORDERED that Registered Nurse License No. 690219, heretofore issued to Respondent Lorena McKenzie, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 3, 2012.

It is so ORDERED July 3, 2012



Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Accusation No. 2012-214

Exhibit A

Accusation No. 2012-214

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
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Attorneys for Complainant

7
8 LYDIA ZANE, Senior Legal Analyst
Telephone: (415) 703-5573
9 Facsimile: (415) 703-5480

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2012-214

13 **LORENA MCKENZIE**
14 **39889 Little Fall Creek**
Fallcreek, OR 97438
15 **Registered Nurse License No. RN 690219**

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 10, 2006, the Board of Registered Nursing issued Registered
24 Nurse License Number RN 690219 to Lorena McKenzie (Respondent). The Registered Nurse
25 License expired on September 30, 2008, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
3 that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides that the expiration of a license shall not deprive
7 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to
8 render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
9 Board may renew an expired license at any time within eight years after the expiration.

10 STATUTORY PROVISIONS

11 6. Section 2761 of the Code states: "the board may take disciplinary action against a
12 certified or licensed nurse or deny an application for a certificate or license for any of the
13 following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ...

16 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
17 against a health care professional license or certificate by another state or territory of the United
18 States, by any other government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
20 action."

21 COST RECOVERY

22 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licensee found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Out of State Discipline)
3 (Bus. & Prof. Section 2761, subd. (a)(4))

4 8. Respondent is subject to disciplinary action under Code section 2761, subdivision
5 (a)(4), in that on or about November 19, 2009, in a disciplinary action before the Oregon State
6 Board of Nursing (Oregon Board), Case No. 10-091, the Oregon Board entered a Final Order
7 approving and adopting a Stipulation for Reprimand between Respondent and the Oregon Board.
8 The circumstances on which the Stipulation is based are as follows:

9 a. On or about August 2, 2009, Respondent electronically signed a license renewal
10 application falsely indicating that she had not been arrested or cited for a criminal offense.
11 Respondent had been arrested for Assault in the Fourth degree on May 10, 2009, and for
12 Contempt of Court on June 26, 2009.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number RN 690219, issued to
17 Lorena McKenzie
18 2. Ordering Lorena McKenzie to pay the Board of Registered Nursing the reasonable
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions
20 Code section 125.3;
21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: October 7, 2011

23 *for* *Louise R. Bailey*
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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